

RULE 1504

Cash-Out Program For Non-Owned Employer Parking

(a) Purpose

The purpose of this rule is to reduce work trips through implementation of a parking cash-out program as established in the California Health and Safety Code Section 43845 (pursuant to Chapter 554 of the Statutes of 1992).

(b) Applicability

This rule applies to all employers, except as provided for in subdivision (i). This rule will only become effective upon the U.S. Environmental Protection Agency (EPA) making a finding that the South Coast Air Basin has failed to attain the National Primary Ambient Air Quality Standard for Carbon Monoxide by December 31, 2000, or failed to meet an applicable progress milestone specified in the State Implementation Plan titled "Federal Attainment Plan for Carbon Monoxide." The provisions of this rule will become effective after the District receives written notification of such a finding. This rule does not relieve or restrict the current or future responsibility of employers to offer a parking cash-out program as specified in section 43845 of the Health and Safety Code.

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) EMPLOYEE is any person employed by a person, group of persons, firm, business, educational institution, non-profit agency or corporation, government agency, or other entity, within the South Coast Air Basin (SCAB), and includes any part-time employee, and any employee defined by Sections 621 and 621.5 of the California Unemployment Insurance Code.
- (2) EMPLOYEE CONTRIBUTION is the price charged to an employee, by the employer, for use of a parking space.
- (3) EMPLOYEE NOTIFICATION is the written information, prepared in accordance with the SCAQMD Rule 1504 Implementation Guidelines (adopted May 13, 1994), and which is provided to employees, by the employer, to inform them of the availability of the parking cash-out program.
- (4) EMPLOYER is any firm, person, group of persons, business, educational institution, government agency, non-profit agency or corporation, or other entity, within the SCAB.

- (5) **EMPLOYER PARKING COST** is the amount paid by the employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer, and can be determined by dividing the out-of-pocket amount paid by the employer at a worksite by the number of employees utilizing non-owned parking at that worksite.
- (6) **OUT-OF-POCKET AMOUNT** is the employer's cost to provide employee parking, determined in accordance with subdivision (g).
- (7) **PARKING CASH-OUT PROGRAM** is an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space.
- (8) **PARKING SUBSIDY** is the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee, by the employer, for use of that space. The parking subsidy provided for employees using parking spaces reserved specifically for carpool and vanpool vehicles is considered to be equal to zero.
- (9) **PART-TIME EMPLOYEE** is any person who reports to an employer worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week.
- (10) **WORKSITE** is any building, or grouping of buildings located within the SCAB which are in actual physical contact or separated solely by a private or public roadway or other private or public right-of-way, and which are owned or operated by the same employer (or by employers under common control).

(d) **Employer Notification**

Within 30 days after receipt of a written finding by EPA of failure to attain the National Primary Ambient Air Quality Standard for Carbon Monoxide by December 31, 2000, or failure to meet an applicable progress milestone specified in the State Implementation Plan titled "Federal Attainment Plan for Carbon Monoxide," the Executive Officer will:

- (1) Send written notification of the rule requirements and rule applicability to the affected employers, by certified mail; and,
- (2) Send written notification, by certified mail, to mayors and county board of supervisors for the affected jurisdictions in which a commercial development may implement a parking cash-out program. The notification will include a copy of Government Code Section 65089 (d) which requires local jurisdictions to grant reduction in individual worksite parking requirements consistent with local parking cash-out programs.

(e) **Employer Requirements**

Employers of 50 or more employees who provide a parking subsidy for employees shall offer a parking cash-out program to all employees, and shall comply with the following requirements, within 90 calendar days after receiving written notification pursuant to subdivision (d):

(1) **Employee Notification**

Written notification shall be provided by each employer in a location or locations, or in a manner accessible to all employees.

(2) **Parking Subsidy Determination**

The parking subsidy offered as a cash allowance shall be determined according to the following relationship:

$$\left[\begin{array}{c} \text{Parking} \\ \text{Subsidy} \end{array} \right] = \left[\begin{array}{c} \text{Employer Parking} \\ \text{Cost} \end{array} \right] - \left[\begin{array}{c} \text{Employee} \\ \text{Contribution} \end{array} \right]$$

(3) **Providing of Parking Subsidy**

The parking subsidy shall be provided to employees that accept the parking cash-out program offer. Employees shall receive payment of the parking subsidy on a monthly or shorter time basis.

(f) **Optional Condition of Employee Participation**

Employers may include, as part of a parking cash-out program, a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood parking problems or to promote alternative modes of transportation, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(g) **Out-of-Pocket Amount Determination**

Employers shall determine the out-of-pocket amount based on the SCAQMD Rule 1504 Implementation Guidelines as approved on May 13, 1994.

(h) Recordkeeping

Records shall be maintained on-site, for not less than three (3) years, and made available to the District upon request, according to the following:

(1) Exempt Employers

Employers exempt under the provisions of subdivision (i) shall maintain proof of exemption demonstrating compliance pursuant to subdivision (i).

(2) Non-Exempt Employers

Employers not exempt under the provisions of subdivision (i) shall maintain records according to the following:

(A) Worksites of Less than 25 Employees

Employers shall maintain, for worksites of less than 25 employees, proof that less than 25 employees report to that worksite.

(B) Worksites of 25 Employees or More

Employers shall maintain, for worksites of 25 or more employees, the following:

- (i) A copy of the employee notification;
- (ii) A copy of the property lease agreement for all worksite parking;
- (iii) The number of parking spaces for all worksites, and the number of parking spaces reserved specifically for carpool and vanpool vehicles at each worksite;
- (iv) The parking subsidy amount, as determined in accordance with the provisions of paragraph (e)(2). In addition, any of the following information used to determine the parking subsidy amount shall be maintained:
 - (I) The out-of-pocket amount determined pursuant to subdivision (g); and,
 - (II) The employee contribution;
- (v) The schedule for payment of the parking subsidy to employees that have accepted the parking cash-out program offer; and,
- (vi) The names of the employees accepting the parking cash-out program offer, and the start and end dates for program participation.

(i) Exemptions

The provisions of subdivision (e) and (g) of this rule shall not apply to any of the following:

- (1) Employers of less than 50 employees;
- (2) Any worksite for which an employer does not provide a parking subsidy;
- (3) Any parking spaces that were leased on or before the date of employer notification pursuant to subdivision (d), until the expiration of that lease or unless that lease permits the employer to reduce, without penalty, the number of parking spaces subject to the lease; and,
- (4) Any employer-owned parking.

[SIP: Submitted as adopted 5/13/94 on 7/13/94.]

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